

EXHIBIT A

FILED
07-15-2020
Clerk of Circuit Court
Kenosha County
2020CV000644
Honorable Chad G
Kerkman
Branch 8

STATE OF WISCONSIN

CIRCUIT COURT

KENOSHA COUNTY

ZACHARY M. FAULKNER,
3907 – 16th Avenue
Kenosha, WI 53140,

SUMMONS

Plaintiff,

AMERICAN FAMILY MUTUAL INSURANCE COMPANY, S.I.
a domestic corporation
c/o Corporation Service Company, Registered Agent
8040 Excelsior Drive, Suite 400
Madison, WI 53717,

Case No.:
Case Code: 30101

UNITEDHEALTHCARE INSURANCE COMPANY,
a foreign corporation
c/o CT Corporation System, Registered Agent
301 S. Bedford Street, Suite 1
Madison, WI 53703,

Hon.

**HUMANA WISCONSIN HEALTH ORGANIZATION
INSURANCE CORPORATION,**
a domestic corporation
c/o Corporation Service Company, Registered Agent
8040 Excelsior Drive, Suite 400
Madison, WI 53717,

**AMOUNT CLAIMED GREATER
THAN \$5,000.00**

Involuntary Plaintiff,

v.

ZURICH AMERICAN INSURANCE COMPANY,
a foreign corporation
c/o Corporation Service Company, Registered Agent
8040 Excelsior Drive, Suite 400
Madison, WI 53717,

US FOODS, INC.,
a foreign corporation
c/o Corporation Service Company, Registered Agent
8040 Excelsior Drive, Suite 400
Madison, WI 53717,

TRANS-PORTE, INC.,
d/b/a US Foods, Inc.
a foreign corporation
c/o Corporation Service Company, Registered Agent
8040 Excelsior Drive, Suite 400
Madison, WI 53717,

ABC INSURANCE COMPANY,
a fictitious corporation,

JEAN CARLOS FLORES-RIVERA,
540 Bentley Street
Oviedo, FL 32765-8241, and

DEF INSURANCE COMPANY,
a fictitious corporation,

Defendants.

THE STATE OF WISCONSIN

TO EACH PERSON NAMED ABOVE AS A DEFENDANT:

You are hereby notified that the plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days after receiving this Summons, you must respond to the Complaint with a written Answer, as that term is used in Chapter 802 of the Wisconsin Statutes. The court may reject or disregard an Answer that does not follow the requirements of the statutes. The Answer must be sent or delivered to the court, whose address is **912 - 56th Street, Kenosha, Wisconsin 53140**, and to **HABUSH HABUSH & ROTTIER S.C.®**, plaintiff's attorneys whose address is **6905 Green Bay Road, Suite 201, Kenosha, Wisconsin 53142**. You may have an attorney help or represent you.

If you do not provide a proper Answer within forty-five (45) days, the court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future and may also be enforced by garnishment or seizure of property.

Dated at Kenosha, Wisconsin this 15th day of July 2020.

HABUSH HABUSH & ROTTIER S.C.[®]
Attorneys for Plaintiff

Electronically signed by Andrew S. Wier
Andrew S. Wier, State Bar No 1072520

P.O. ADDRESS:

6905 Green Bay Road, Suite 201
Kenosha, WI 53142
Tele: (262) 652-4900
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CIRCUIT COURT

KENOSHA COUNTY

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COMPLAINT

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Case No.:
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Hon.

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a fictitious corporation,

JEAN CARLOS FLORES-RIVERA,
540 Bentley Street
Oviedo, FL 32765-8241, and

DEF INSURANCE COMPANY,
a fictitious corporation,

Defendants.

The above-named plaintiff by **HABUSH HABUSH & ROTTIER S.C.®**, his attorneys, as and for a Complaint against the above-named defendants, alleges and shows to the Court as follows:

1. At the present time the plaintiff, Zachary M. Faulkner, is an adult citizen and resident of the State of Wisconsin, currently residing at 3907 – 16th Avenue, Kenosha, Wisconsin.
2. At the present time the involuntary plaintiff, American Family Mutual Insurance Company, S.I. (hereinafter “American Family”), is a domestic corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, with offices of its registered agent, Corporation Service Company, located at 8040 Excelsior Drive, Suite 400, Madison, Wisconsin; the said insurance company is an involuntary plaintiff by reason of §803.03 Wis. Stats., as it has an interest in the plaintiff’s claim by reason of its being a medical payments carrier for the plaintiff, Zachary M. Faulkner.

3. At the present time the involuntary plaintiff, UnitedHealthcare Insurance Company (hereinafter "UnitedHealthcare"), is a foreign corporation duly licensed to do business in the State of Wisconsin, with offices of its with offices of its registered agent, CT Corporation System, located at 301 S. Bedford Street, Suite 1, Madison, Wisconsin; the said insurance company is an involuntary plaintiff by reason of §803.03 Wis. Stats., as it has an interest in the plaintiff's claim by reason of its being a health insurance carrier for the plaintiff, Zachary M. Faulkner.

4. At the present time the involuntary plaintiff, Humana Wisconsin Health Organization Insurance Corporation (hereinafter "Humana"), is a domestic corporation duly organized and existing under and by the laws of the State of Wisconsin, with offices of its with offices of its registered agent, Corporation Service Company, located at 8040 Excelsior Drive, Suite 400, Madison, Wisconsin; the said insurance company is an involuntary plaintiff by reason of §803.03 Wis. Stats., as it has an interest in the plaintiff's claim by reason of its being a health insurance carrier for the plaintiff, Zachary M. Faulkner.

5. At the present time, the defendant, Zurich American Insurance Company (hereinafter "Zurich"), is a foreign corporation duly licensed to do business in the State of Wisconsin, with offices of its registered agent, Corporation Service Company, located at 8040 Excelsior Drive, Suite 400, Madison, Wisconsin; upon information and belief, said defendant, Zurich does substantial business in Kenosha County; said defendant Zurich is engaged in the business of writing and selling motor vehicle liability insurance; prior to the date of this accident, August 3, 2017, the defendant corporation had issued its policy of insurance to US Foods, Inc., and/or Trans-Porte, Inc., d/b/a US Foods, Inc., insuring it/them and anyone operating its/their motor vehicles with consent, including defendant, Jean Carlos Flores Rivera, against any liability imposed by law arising out of the negligent operation of the US Foods, Inc., and/or Trans-Porte,

Inc., d/b/a US Foods, Inc., vehicles and/or other acts of negligence which policy of insurance was in full force and effect at the time of this accident; at the time of the accident Jean Carlos Flores Rivera was operating, with permission and consent, a vehicle owned by US Foods, Inc., and/or Trans-Porte, Inc., d/b/a US Foods, Inc.; in the contract of insurance, Zurich reserved the right to settle or adjust any claims arising thereunder and to defend any lawsuits instituted by virtue of any such claims and it has a direct interest in this litigation; by virtue of the laws of the State of Wisconsin, Zurich is a proper defendant herein.

6. Upon information and belief, at the present time, the defendant, US Foods, Inc. (hereinafter "US Foods") is a foreign corporation, duly licensed to do business in the State of Wisconsin, with offices of its registered agent, Corporation Service Company, located at 8040 Excelsior Drive, Suite 400, Madison, Wisconsin;.

7. Upon Information and belief, at the present time, the defendant, Trans-Porte, Inc. d/b/a US Foods, Inc. (hereinafter "Trans-Porte") is a foreign corporation, duly licensed to do business in the State of Wisconsin, with offices of its registered agent, Corporation Service Company, located at 8040 Excelsior Drive, Suite 400, Madison, Wisconsin;.

8. An unknown insurance company, herein designated pursuant to §807.12 Wis. Stats., by the fictitious name of ABC Insurance Company, may have issued a policy of insurance to Trans-Porte which policy provided coverage to said corporation for claims such as those hereinafter set forth in this Complaint and which policy of insurance was in full force and effect at the time of the hereinafter described matter; in the contract of insurance, this defendant insurance company may have reserved the right to settle or adjust any claims arising thereunder and to defend any lawsuits instituted by virtue of any such claims; by virtue of this contract of insurance, this defendant insurance company is a proper party defendant herein.

9. Upon information and belief, the defendant, Jean Carlos Flores-Rivera is an adult citizen and resident of the State of Florida, with his last known address at 540 Bentley Street, Oviedo, Florida.

10. An unknown insurance company, herein designated pursuant to §807.12 Wis. Stats., by the fictitious name of DEF Insurance Company, may have issued a policy of insurance to Jean Carlos Flores Rivera which policy provided coverage to him for claims such as those hereinafter set forth in this Complaint and which policy of insurance was in full force and effect at the time of the hereinafter described matter; in the contract of insurance, this defendant insurance company may have reserved the right to settle or adjust any claims arising thereunder and to defend any lawsuits instituted by virtue of any such claims; by virtue of this contract of insurance, this defendant insurance company is a proper party defendant herein.

11. On or about the 3rd day of August 2017, the plaintiff, Zachary M. Faulkner, was operating his motor vehicle eastbound in the 6500 block of CTH KR/1st Street in the Town of Somers, County of Kenosha, State of Wisconsin.

12. At the same time and place, plaintiff's vehicle was legally stopped in traffic in the 6500 block of eastbound CTH KR/1st Street waiting for a train to pass on the railway tracks.

13. At the same time and place, the defendant, Jean Carlos Flores-Rivera, was operating a semi-tractor with a trailer eastbound in the 6500 block of CTH KR/1st Street, in the Town of Somers, County of Kenosha, State of Wisconsin.

14. At the same time and place, the defendant, Jean Carlos Flores-Rivera was operating a semi-tractor with a trailer which semi-tractor and trailer were owned by US Foods and/or TransPorte.

15. At the same time and place defendant, Jean Carlos Flores-Rivera, operated his semi-tractor and trailer into the back of a Chevrolet Impala automobile with such great force which caused that Chevrolet Impala to collide with the back of the vehicle operated by the plaintiff, Zachary M. Faulkner, which caused plaintiff's vehicle to propel forward and under a flat-bed semi-tractor and trailer which was stopped in front of him.

16. At the same time and place, defendant, Jean Carlos Flores-Rivera, was driving in a distracted and inattentive manner in violation of §346.89(1), Wis. Stats.,

17. Defendant, Jean Carlos Flores-Rivera, was negligent in the manner in which he operated his motor vehicle and was otherwise negligent.

18. Upon information and belief, at the same time and place, the defendant, Jean Carlos Flores-Rivera, was employed by US Foods and/or Trans-Porte and was acting in the scope of his employment operating a semi-tractor with a trailer owned by his employer, US Foods and/or Trans-Porte, with owner's permission and consent, in an eastbound direction in the 6500 block of CTH KR/1st Street, in the Town of Somers, County of Kenosha, State of Wisconsin,

19. Upon information and belief, while in the scope of his employment with US Foods and/or Trans-Porte, defendant Jean Carlos Flores-Rivera was driving in a negligent manner, causing the semi-tractor and trailer to collide with a Chevrolet Impala which such force as to cause it to collide with the back of the vehicle operated by the plaintiff, Zachary M. Faulkner, seriously injuring the plaintiff.

20. Under the doctrine of *respondeat superior*, the defendant(s), US Foods and/or Trans-Porte, are vicariously liable for the negligence of Jean Carlos Flores-Rivera in causing the injuries and damages suffered by plaintiff, Zachary M. Faulkner and was otherwise negligent.

21. On information and belief, the defendant, Jean Carlos Flores-Rivera, was negligent in the manner in which he operated the semi-tractor and was otherwise negligent.

22. The above and foregoing acts of negligence on the part of the defendants were a direct and proximate cause of the injuries and damages sustained by the plaintiff, Zachary M. Faulkner.

23. As a result of the negligence on the part of the defendants as afore alleged, the plaintiff, Zachary M. Faulkner, sustained permanent injuries and damages, including past and future pain, suffering and disability and loss of enjoyment of life; past wage loss and impairment of future earning capacity; past and future medical expenses and other compensable injuries.

24. Involuntary plaintiff, American Family, is the medical payments carrier for the plaintiff, Zachary M. Faulkner, and as such carrier was obliged to pay hospital and medical bills for the treatment of said plaintiff for the injuries sustained as afore alleged; by reason of said injuries, American Family may have expended money as and for hospital and medical bills and will be so obliged in the future and, therefore, may have a subrogation interest herein to the extent of its payments.

25. Involuntary plaintiff, UnitedHealthcare, is a health insurance carrier for the plaintiff, Zachary M. Faulkner, and as such carrier was obliged to pay hospital and medical bills for the treatment of said plaintiff for the injuries sustained as afore alleged; by reason of said injuries, UnitedHealthcare may have expended money as and for hospital and medical bills and will be so obliged in the future and, therefore, may have a subrogation interest herein to the extent of its payments.

26. Involuntary plaintiff, Humana, is a health insurance carrier for the plaintiff, Zachary M. Faulkner, and as such carrier was obliged to pay hospital and medical bills for the treatment of

said plaintiff for the injuries sustained as afore alleged; by reason of said injuries, Humana, may have expended money as and for hospital and medical bills and will be so obliged in the future and, therefore, may have a subrogation interest herein to the extent of its payments.

WHEREFORE, the plaintiff demands judgment against the defendants in an amount sufficient to constitute fair and reasonable compensation for all of the injuries and damages sustained by the plaintiff together with actual reasonable attorney's fees and costs and disbursements as allowed by law.

Plaintiff further demands, in the event of settlement or verdict in favor of the plaintiff, the Court to grant an order declaring the plaintiff's rights to such settlement or verdict proceeds to be paramount to that of any subrogated party.

Finally, in the event of any subrogated party's failure to respond to this Complaint in a timely manner, the plaintiff requests this court to grant an order dismissing the subrogated parties from this action and barring any claim for subrogation and/or reimbursement and barring the subrogated parties from participating in any judgment or settlement in this action.

Plaintiff alleges that his damages are more than the minimum amount necessary to invoke the jurisdiction of this Court.

Dated at Kenosha, Wisconsin this 15th day of July 2020.

HABUSH HABUSH & ROTTIER S.C.[®]
Attorneys for Plaintiff

Electronically signed by Andrew S. Wier
Andrew S. Wier, State Bar No 1072520

P.O. ADDRESS:

6905 Green Bay Road, Suite 201
Kenosha, WI 53142
Tele: (262) 652-4900
FAX: (262) 697-5904
Email: awier@habush.com

STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA**Zachary M. Faulkner et al vs. Zurich American Insurance
Company et al**Electronic Filing
Notice**

Case No. 2020CV000644

Class Code: Personal Injury/Automobile

FILED**07-15-2020****Clerk of Circuit Court****Kenosha County****2020CV000644****Honorable Chad G****Kerkman****Branch 8**

AMERICAN FAMILY MUTUAL INSURANCE COMPANY, S.I.
C/O CORPORATION SERVICE CO
8040 EXCELSIOR DRIVE, SUITE 400
MADISON WI 53717

Case number 2020CV000644 was electronically filed with/converted by the Kenosha County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$20.00 fee to register as an electronic party.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 52873e

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnissees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 262-653-2664.

Kenosha County Circuit Court
Date: July 15, 2020

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ABC INSURANCE COMPANY
A FICTITIOUS CORPORATION
MADISON WI 53717

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JEAN CARLOS FLORES-RIVERA
540 BENTLEY STREET
OVIEDO FL 32765

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**PLAINTIFF'S DEMAND
FOR JURY TRIAL**

Plaintiff,

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540 Bentley Street
Oviedo, FL 32765-8241, and

DEF INSURANCE COMPANY,
a fictitious corporation,

Defendants.

Plaintiff, Zachary M. Faulkner, by his attorneys, HABUSH HABUSH & ROTTIER S.C.[®], hereby demands a trial by a twelve-person jury in the above-entitled action.

Dated at Kenosha, Wisconsin this 15th day of July 2020.

HABUSH HABUSH & ROTTIER S.C.[®]
Attorneys for Plaintiff

Electronically signed by Andrew S. Wier
Andrew S. Wier, State Bar No 1072520

P.O. ADDRESS:

6905 Green Bay Road, Suite 201
Kenosha, WI 53142
Tele: (262) 652-4900
FAX: (262) 697-5904
Email: awier@habush.com

STATE OF WISCONSIN	CIRCUIT COURT	KENOSHA COUNTY	For Official Use
Zachary M. Faulkner et al Plaintiff(s)		CONFERENCE ORDER AND NOTICE OF SCHEDULING CONFERENCE	
vs.			FILED
Zurich American Insurance Company et al Defendant(s)		Case No. 2020CV 000644 Judge Chad G. Kerkman	JUL 15 2020 REBECCA MATOSKA-MENTINK CLERK OF CIRCUIT COURT

This case is scheduled for: Scheduling Conference pursuant to Sec. 802.10(3) Stats.

DATE: Thursday, November 19th, 2020

TIME: 9:15 AM

COURT OFFICIAL: Chad G. Kerkman

LOCATION: Room:228 Kenosha County Courthouse
912 56th Street, Kenosha, WI 53140

THE COURT ORDERS:

1. The plaintiff shall serve this notice upon all defendants to this action and provide proof of service to the court. Any party in this case who causes another party to be joined shall serve this notice upon the joined party and provide proof of service to the court.
2. All plaintiffs and defendants named in this case shall appear either in person OR by attorney of record; unless otherwise authorized by the court.
3. Any party who fails to comply with this order may have the court enter an order pursuant to Sec. 805.03 and 804.12, Stats. which may include a finding of contempt of court and entry of a default judgment against the offending party.
4. If you intend to challenge the allegations by the plaintiff in the complaint, you must file a written Answer within the number of days specified on the summons. If you do not file such an Answer you do not have to appear at the above date and time.

Dated : July 15, 2020

JUDGE CHAD G. KERKMAN
Circuit Court Judge, Branch 8

STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA**Zachary M. Faulkner et al vs. Zurich American Insurance
Company et al**Electronic Filing
Notice**

Case No. 2020CV000644

Class Code: Personal Injury/Automobile

FILED**07-15-2020****Clerk of Circuit Court****Kenosha County****2020CV000644****Honorable Chad G****Kerkman****Branch 8**

TRANS-PORTE, INC.
C/O CORPORATION SERVICE CO.
8040 EXCELSIOR DRIVE, SUITE 400
MADISON WI 53717

Case number 2020CV000644 was electronically filed with/converted by the Kenosha County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

Parties who register as electronic parties can file, receive and view documents online through the court electronic filing website. A document filed electronically has the same legal effect as a document filed by traditional means. Electronic parties are responsible for serving non-electronic parties by traditional means.

You may also register as an electronic party by following the instructions found at <http://efiling.wicourts.gov/> and may withdraw as an electronic party at any time. There is a \$20.00 fee to register as an electronic party.

If you are not represented by an attorney and would like to register an electronic party, you will need to enter the following code on the eFiling website while opting in as an electronic party.

Pro Se opt-in code: 52873e

Unless you register as an electronic party, you will be served with traditional paper documents by other parties and by the court. You must file and serve traditional paper documents.

Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnissees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 262-653-2664.

Kenosha County Circuit Court
Date: July 15, 2020

STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA**Zachary M. Faulkner et al vs. Zurich American Insurance
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Case No. 2020CV000644

Class Code: Personal Injury/Automobile

FILED**07-15-2020****Clerk of Circuit Court****Kenosha County****2020CV000644****Honorable Chad G****Kerkman****Branch 8**

UNITEDHEALTHCARE INSURANCE COMPANY
C/O CT CORPORATION SYSTEM
301 S. BEDFORD STREET, SUITE 1
MADISON WI 53703

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Kenosha County Circuit Court
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STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA**Zachary M. Faulkner et al vs. Zurich American Insurance
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Notice**

Case No. 2020CV000644

Class Code: Personal Injury/Automobile

FILED**07-15-2020****Clerk of Circuit Court****Kenosha County****2020CV000644****Honorable Chad G****Kerkman****Branch 8**

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MADISON WI 53717

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Kenosha County Circuit Court
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STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA**Zachary M. Faulkner et al vs. Zurich American Insurance
Company et al**Electronic Filing
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Case No. 2020CV000644

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C/O CORPORATION SERVICE CO
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MADISON WI 53717

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Kenosha County Circuit Court
Date: July 15, 2020

FILED
07-29-2020
Clerk of Circuit Court
Kenosha County
2020CV000644

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 8

KENOSHA COUNTY

ZACHARY M. FAULKNER,

Plaintiff,

Case No: 20-CV-644
Code No: 30101

AMERICAN FAMILY MUTUAL INSURANCE
COMPANY, S.I., UNITEDHEALTHCARE INSURANCE
COMPANY and HUMANA WISCONSIN HEALTH ORGANIZATION
INSURANCE COMPANY,

Involuntary Plaintiff,

v.

ZURICH AMERICAN INSURANCE COMPANY,
US FOODS, INC., TRANS-PORTE, INC., ABC INSURANCE
COMPANY, JEAN CARLOS FLORES-RIVERA and DEF
INSURANCE COMPANY,

Defendants.

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that we have been retained by and appear for Involuntary Plaintiff American Family Mutual Insurance Company, S.I. in the above entitled action, and we hereby demand that copies of all pleadings in this action subsequent to the Summons and Complaint be served upon us at our offices at 222 W. Washington Ave., Suite 360, P.O. Box 2626, Madison, WI 53703-2626.

Dated this 29th day of July, 2020.

WINNER LAW FIRM, LLC

By: /s/ Rick J. Mundt
RICK J. MUNDT (SBN: 1002952)
Attorneys for Involuntary Plaintiff American
Family Mutual Insurance Company, S.I.

222 W. Washington Ave., Suite 360
P.O. Box 2626
Madison, WI 53703
608/257-0257 // 608/257-0078-FAX
Email: rmundt@wwplaw.net

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 8

KENOSHA COUNTY

**FILED
07-29-2020
Clerk of Circuit Court
Kenosha County
2020CV000644**

ZACHARY M. FAULKNER,

For Official Use Only

Plaintiff,

Case No: 20-CV-644

Code No: 30101

AMERICAN FAMILY MUTUAL INSURANCE
COMPANY, S.I., UNITEDHEALTHCARE INSURANCE
COMPANY and HUMANA WISCONSIN HEALTH ORGANIZATION
INSURANCE COMPANY,

Involuntary Plaintiff,

v.

ZURICH AMERICAN INSURANCE COMPANY,
US FOODS, INC., TRANS-PORTE, INC., ABC INSURANCE
COMPANY, JEAN CARLOS FLORES-RIVERA and DEF
INSURANCE COMPANY,

Defendants.

**CLAIM AND CROSS-CLAIM OF AMERICAN FAMILY MUTUAL INSURANCE
COMPANY, S.I.**

INVOLUNTARY PLAINTIFF, American Family Mutual Insurance Company, S.I. (hereinafter “American Family”), by and through its attorneys, Winner Law Firm, LLC, responds to Plaintiff’s Complaint as follows:

CLAIM

1. American Family has made payments to or on behalf of Plaintiff Zachary M. Faulkner for medical services rendered as a result of the subject accidents. The amount of these payments to date is **Ten Thousand and 00/100 Dollars (\$10,000.00)**. These payments, and the medical services to which they apply, were reasonable in amount and necessarily incurred as a result of injuries from the subject accidents.

2. The payments were made by American Family pursuant to its policy of automobile liability insurance with Plaintiff Susan A. Houte, and specifically the Medical Payments coverage thereof. American Family's policy of insurance with Plaintiff Susan A. Houte includes a subrogation provision entitling it to seek recovery for amounts it has paid directly from any third-party who may be liable for accident-related injuries and resulting medical expense.

3. In the event Defendants Zurich American Insurance Company, US foods, Inc., Trans-Porte, Inc. and/or Jean Carlos Flores-Rivera are adjudged liable for Plaintiff Zachary M. Faulkner's injuries and resulting medical expense, American Family is entitled to recover the amounts it has paid for medical services directly from such Defendants.

CROSS-CLAIM

4. Restates and incorporates by reference the foregoing Claim.

5. American Family is entitled to subrogation for the amounts it has paid on behalf of Plaintiff Zachary M. Faulkner from any recovery he may receive from Defendants, any allegation to the contrary in Plaintiff's Complaint specifically denied herein.

WHEREFORE, Involuntary Plaintiff American Family Mutual Insurance Company, S.I. demands Judgment as follows:

A. Against Defendants Zurich American Insurance Company, US foods, Inc., Trans-Porte, Inc. and/or Jean Carlos Flores-Rivera in an amount to be determined by the trier of fact and not less than **Ten Thousand and 00/100 Dollars (\$10,000.00)**.

B. For a determination of its rights in subrogation to any recovery by Plaintiff Zachary M. Faulkner.

C. For its costs and disbursements incurred herein.

D. For such other and further relief as the Court may deem just and proper.

Dated this 29th day of July, 2020.

WINNER LAW FIRM, LLC

By: /s/ Rick J. Mundt
RICK J. MUNDT (SBN: 1002952)
Attorneys for Involuntary Plaintiff American
Family Mutual Insurance Company, S.I.

222 W. Washington Ave., Suite 360
P.O. Box 2626
Madison, WI 53703
608/257-0257
608/257-0078-FAX
Email: rmundt@wwplaw.net

STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA COUNTY**

Zachary M. Faulkner et al vs. Zurich American Insurance Company et al

**Electronic Notice
Status Change**

Case No: 2020CV000644

UNITEDHEALTHCARE INSURANCE COMPANY
301 S. BEDFORD STREET, SUITE 1
C/O CT CORPORATION SYSTEM
MADISON WI 53703

For 2020CV000644, the electronic notice preference for Rick J. Mundt, Wisconsin attorney for American Family Mutual Insurance Company, S.I., has changed.

Rick J. Mundt has registered as an electronic notice party and has agreed to file any documents and receive all communications from the court for this case electronically. You will no longer need to provide traditional paper documents to this party. You still need to provide traditional paper documents to the court and any other parties who are not electronically filing.

If you have any questions regarding this notice, please contact our office at 262-653-2664.

Kenosha County Circuit Court
Date: July 29, 2020

STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA COUNTY**

Zachary M. Faulkner et al vs. Zurich American Insurance Company et al

**Electronic Notice
Status Change**

Case No: 2020CV000644

HUMANA WISCONSIN HEALTH ORGANIZATION INSURANCE CORPORATION
8040 EXCELSIOR DRIVE, SUITE 400
C/O CORPORATION SERVICE CO.
MADISON WI 53717

For 2020CV000644, the electronic notice preference for Rick J. Mundt, Wisconsin attorney for American Family Mutual Insurance Company, S.I., has changed.

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Kenosha County Circuit Court
Date: July 29, 2020

STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA COUNTY**

Zachary M. Faulkner et al vs. Zurich American Insurance Company et al

Electronic Notice Status Change

Case No: 2020CV000644

ZURICH AMERICAN INSURANCE COMPANY
8040 EXCELSIOR DRIVE, SUITE 400
C/O CORPORATION SERVICE CO
MADISON WI 53717

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Kenosha County Circuit Court
Date: July 29, 2020

STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA COUNTY**

Zachary M. Faulkner et al vs. Zurich American Insurance Company et al

**Electronic Notice
Status Change**

Case No: 2020CV000644

US FOODS, INC.
8040 EXCELSIOR DRIVE, SUITE 400
C/O CORPORATION SERVICE CO
MADISON WI 53717

For 2020CV000644, the electronic notice preference for Rick J. Mundt, Wisconsin attorney for American Family Mutual Insurance Company, S.I., has changed.

Rick J. Mundt has registered as an electronic notice party and has agreed to file any documents and receive all communications from the court for this case electronically. You will no longer need to provide traditional paper documents to this party. You still need to provide traditional paper documents to the court and any other parties who are not electronically filing.

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Kenosha County Circuit Court
Date: July 29, 2020

STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA COUNTY**

Zachary M. Faulkner et al vs. Zurich American Insurance Company et al

**Electronic Notice
Status Change**

Case No: 2020CV000644

TRANS-PORTE, INC.
8040 EXCELSIOR DRIVE, SUITE 400
C/O CORPORATION SERVICE CO.
MADISON WI 53717

For 2020CV000644, the electronic notice preference for Rick J. Mundt, Wisconsin attorney for American Family Mutual Insurance Company, S.I., has changed.

Rick J. Mundt has registered as an electronic notice party and has agreed to file any documents and receive all communications from the court for this case electronically. You will no longer need to provide traditional paper documents to this party. You still need to provide traditional paper documents to the court and any other parties who are not electronically filing.

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Kenosha County Circuit Court
Date: July 29, 2020

STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA COUNTY**

Zachary M. Faulkner et al vs. Zurich American Insurance Company et al

**Electronic Notice
Status Change**

Case No: 2020CV000644

ABC INSURANCE COMPANY
A FICTITIOUS CORPORATION
MADISON WI 53717

For 2020CV000644, the electronic notice preference for Rick J. Mundt, Wisconsin attorney for American Family Mutual Insurance Company, S.I., has changed.

Rick J. Mundt has registered as an electronic notice party and has agreed to file any documents and receive all communications from the court for this case electronically. You will no longer need to provide traditional paper documents to this party. You still need to provide traditional paper documents to the court and any other parties who are not electronically filing.

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Kenosha County Circuit Court
Date: July 29, 2020

STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA COUNTY**

Zachary M. Faulkner et al vs. Zurich American Insurance Company et al

**Electronic Notice
Status Change**

Case No: 2020CV000644

JEAN CARLOS FLORES-RIVERA
540 BENTLEY STREET
OVIEDO FL 32765

For 2020CV000644, the electronic notice preference for Rick J. Mundt, Wisconsin attorney for American Family Mutual Insurance Company, S.I., has changed.

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Kenosha County Circuit Court
Date: July 29, 2020

STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA COUNTY**

Zachary M. Faulkner et al vs. Zurich American Insurance Company et al

**Electronic Notice
Status Change**

Case No: 2020CV000644

DEF INSURANCE COMPANY
A FICTITIOUS CORPORATION
MADISON WI 53717

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Kenosha County Circuit Court
Date: July 29, 2020

FILED
07-30-2020
Clerk of Circuit Court
Kenosha County
2020CV000644

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 8

KENOSHA COUNTY

ZACHARY M. FAULKNER,

Plaintiff,

and

**AMERICAN FAMILY MUTUAL
INSURANCE COMPANY, S.I.,
UNITEDHEALTHCARE INSURANCE
COMPANY OF ILLINOIS and HUMANA
WISCONSIN HEALTH ORGANIZATION
INSURANCE CORPORATION,**

Involuntary Plaintiffs,

v.

Case No. 20-CV-644
Case Code No. 30101**ZURICH AMERICAN INSURANCE
COMPANY, US FOODS, INC., TRANS-
PORTE, INC., ABC INSURANCE
COMPANY, JEAN CARLOS FLORES-
RIVERA and DEF INSURANCE
COMPANY,**

Defendants.

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that the law firm of Mallery & Zimmerman, S.C., by Matthew S. Mayer, has been retained by and appears for Involuntary Plaintiff, UnitedHealthcare Insurance Company of Illinois, in the above-entitled action, and request is hereby made that copies of all papers subsequent to the Summons and Complaint in said action be served upon it at the office address set forth below.

DATED this 30th day of July 2020.

MALLERY & ZIMMERMAN, S.C.
Attorneys for Involuntary Plaintiff,
UnitedHealthcare Insurance Company of Illinois

ADDRESS:

500 Third Street, Suite 800
P.O. Box 479
Wausau, WI 54402-0479
715.845.8234 – telephone
715.848.1085 – facsimile
mmayer@mzattys.com

BY: Electronically Signed by Matthew S. Mayer
MATTHEW S. MAYER
State Bar No. 1001237

STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA COUNTY**

Zachary M. Faulkner et al vs. Zurich American Insurance Company et al

**Electronic Notice
Status Change**

Case No: 2020CV000644

HUMANA WISCONSIN HEALTH ORGANIZATION INSURANCE CORPORATION
8040 EXCELSIOR DRIVE, SUITE 400
C/O CORPORATION SERVICE CO.
MADISON WI 53717

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Kenosha County Circuit Court
Date: July 31, 2020

STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA COUNTY**

Zachary M. Faulkner et al vs. Zurich American Insurance Company et al

**Electronic Notice
Status Change**

Case No: 2020CV000644

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Kenosha County Circuit Court
Date: July 31, 2020

STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA COUNTY**

Zachary M. Faulkner et al vs. Zurich American Insurance Company et al

**Electronic Notice
Status Change**

Case No: 2020CV000644

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Kenosha County Circuit Court
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STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA COUNTY**

Zachary M. Faulkner et al vs. Zurich American Insurance Company et al

**Electronic Notice
Status Change**

Case No: 2020CV000644

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STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA COUNTY**

Zachary M. Faulkner et al vs. Zurich American Insurance Company et al

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Case No: 2020CV000644

ABC INSURANCE COMPANY
A FICTITIOUS CORPORATION
MADISON WI 53717

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Kenosha County Circuit Court
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STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA COUNTY**

Zachary M. Faulkner et al vs. Zurich American Insurance Company et al

**Electronic Notice
Status Change**

Case No: 2020CV000644

JEAN CARLOS FLORES-RIVERA
540 BENTLEY STREET
OVIEDO FL 32765

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Kenosha County Circuit Court
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STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA COUNTY**

Zachary M. Faulkner et al vs. Zurich American Insurance Company et al

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Kenosha County Circuit Court
Date: July 31, 2020

FILED
07-31-2020
Clerk of Circuit Court
Kenosha County
2020CV000644

STATE OF WISCONSIN

CIRCUIT COURT

KENOSHA COUNTY

ZACHARY M. FAULKNER,

Plaintiff,

**AMERICAN FAMILY MUTUAL INSURANCE COMPANY, S.I.
UNITEDHEALTHCARE INSURANCE COMPANY,
HUMANA WISCONSIN HEALTH ORGANIZATION
INSURANCE CORPORATION**

Case No.: 20-CV-0644
Case Code: 30101

Involuntary Plaintiff,

Hon. Chad G. Kerkman
Branch 8

**ZURICH AMERICAN INSURANCE COMPANY,
US FOODS, INC.,
TRANS-PORTE, INC.,
ABC INSURANCE COMPANY,
JEAN CARLOS FLORES-RIVERA, and
DEF INSURANCE COMPANY,**

Defendants.

PLAINTIFF'S ANSWER TO AMERICAN FAMILY'S CROSS CLAIM

NOW COMES the plaintiff, by and through his attorneys, Habush Habush & Rottier S.C.®, hereby answers American Family's Cross-Claim as follows:

1. In answering paragraph 4 of the cross-claim, the plaintiff reinstates all the allegations contained in the complaint.

2. In answering paragraph 5, the plaintiff asserts this paragraph does not contain an allegation of ultimate fact, but appears to be a legal conclusion and/or request from the Court and, as such, it cannot be appropriately answered. To the extent an answer is required, assert a lack of knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and therefore deny same.

Dated at Kenosha, Wisconsin this 31st day of July 2020

HABUSH HABUSH & ROTTIER S.C.[®]
Attorneys for Plaintiff

Electronically signed by Andrew S. Wier
Andrew S. Wier, State Bar No 1072520

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FILED
08-03-2020
Clerk of Circuit Court
Kenosha County
2020CV000644

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 8

KENOSHA COUNTY

ZACHARY M. FAULKNER,

Plaintiff,

and

**AMERICAN FAMILY MUTUAL
INSURANCE COMPANY, S.I., UNITED
HEALTHCARE INSURANCE COMPANY
and HUMANA WISCONSIN HEALTH
ORGANIZATION INSURANCE
CORPORATION,**

Involuntary Plaintiffs,

v.

Case No. 20-CV-644
Case Code No. 30101

**ZURICH AMERICAN INSURANCE
COMPANY, US FOODS, INC., TRANS-
PORTE, INC., ABC INSURANCE
COMPANY, JEAN CARLOS FLORES-
RIVERA and DEF INSURANCE
COMPANY,**

Defendants.

**ANSWER, COUNTERCLAIM AND CROSS-CLAIM OF INVOLUNTARY
PLAINTIFF, UNITED HEALTHCARE INSURANCE COMPANY**

NOW COMES Involuntary Plaintiff, United HealthCare Insurance Company, by its attorneys, Mallery & Zimmerman, S.C. by Matthew S. Mayer, and, as and for its answer to Plaintiff's Complaint, and its counterclaim and cross-claim, hereby alleges and shows to the Court as follows:

1. In answering Paragraphs 1 through 23 of the Complaint, admits the allegations contained therein.

2. In answering Paragraph 24 of the Complaint, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

3. In answering Paragraph 25 of the Complaint, admits the allegations contained therein.

4. In answering Paragraph 26 of the Complaint, is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein.

COUNTERCLAIM AND CROSS-CLAIM

NOW COMES Involuntary Plaintiff, United HealthCare Insurance Company, by its attorneys, Mallery & Zimmerman, S.C. by Matthew S. Mayer, and, as and for its cross-claim against Plaintiff, Zachary M. Faulkner, and its counterclaim against Defendants, Zurich American Insurance Company, US Foods, Inc., Trans-Porte, Inc. and Jean Carlos Flores-Rivera, hereby alleges as follows:

1. Realleges and incorporates by reference herein the answer of Involuntary Plaintiff, United HealthCare Insurance Company.

2. At all times herein, Plaintiff, Zachary M. Faulkner, was provided health insurance benefits under an insured policy of health insurance (i.e., Certificate of Coverage) issued and administered by United HealthCare Insurance Company.

3. In accordance with the terms, conditions and exclusions of said Certificate of Coverage, United HealthCare Insurance Company made payments of health care expenses on behalf of Plaintiff, Zachary M. Faulkner, as a result of injuries sustained in the accident of August 3, 2017, which form the basis of this lawsuit.

4. United HealthCare Insurance Company makes a claim for subrogation, reimbursement and/or recovery pursuant to the terms and provisions of the Certificate of

Coverage, and, as a result of its payments made to and/or on behalf of Plaintiff, Zachary M. Faulkner.

5. United HealthCare Insurance Company may pay additional benefits to and/or on behalf of Plaintiff, Zachary M. Faulkner, and makes a claim for subrogation, reimbursement and/or recovery for any additional payments.

6. As a result of the payments of health care expenses made or to be made by United HealthCare Insurance Company, it is entitled to reimbursement from any recovery Plaintiff, Zachary M. Faulkner, may receive as a result of the claims set forth in the Complaint.

7. United HealthCare Insurance Company is entitled to subrogation, reimbursement and/or recovery against any Defendant found liable, or who has or will make payment directly or indirectly for the injuries and damages sustained by Plaintiff, Zachary M. Faulkner, by way of settlement, judgment or otherwise.

WHEREFORE, Involuntary Plaintiff, United HealthCare Insurance Company, demands judgment as follows:

- A. On its subrogation and/or reimbursement interest, plus any other and/or future payments of health care expenses made, or to be made, as well as interest;
- B. For the attorneys' fees, costs, and disbursements of this Involuntary Plaintiff; and
- C. For such other and further relief as the Court deems just and equitable.

DATED this 3rd day of August 2020.

MALLERY & ZIMMERMAN, S.C.
Attorneys for Involuntary Plaintiff, United
HealthCare Insurance Company

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BY: Electronically Signed by Matthew S. Mayer
MATTHEW S. MAYER
State Bar No. 1001237